



I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: December 9, 2004

Signature: Richard H. Anderson

(Richard H. Anderson)

Docket No.: 28570/39829A
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Joseph B. Kaul et al.

Application No.: 10/774,710

Confirmation No.: 9545

Filed: February 9, 2004

Art Unit: 3673

For: METHOD OF LINING A SURFACE WITH A
GEOSYNTHETIC CLAY LINER

Examiner: M. Safavi

REQUEST FOR RECONSIDERATION

MS Post Issue
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The courteous interview granted to applicants' undersigned attorney on December 7, 2004, is hereby acknowledged with appreciation. At the interview, the invention, the outstanding Office Action, and the prior art of record were thoroughly discussed.

As discussed at the December 7, 2004 interview, the claimed dispenser is for the purpose of dispensing a roll of very heavy geosynthetic clay liner material and, as indicated at page 1, lines 18 and 19 of the specification, geosynthetic clay liner rolls weigh about 2200 to 3200 pounds requiring particular structure for transverse movement of such rolls.

As set forth throughout applicants' specification, the claimed dispenser for dispensing a roll of a geosynthetic clay liner material is adapted for hitching to a vehicle and includes both left and right hydraulic actuators to allow a vehicle driver to move the geosynthetic clay liner roll, via transverse movement of the chassis, both left and right, for accurate placement of the geosynthetic clay liner during vehicle transport.

FIRST OFFICE ACTION

Claims 21 and 22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Cardinal, Jr. in view of Benson et al.

The Cardinal, Jr. '972 patent is directed to apparatus suitable for laying down large sheets of film, *e.g.*, for protective coverings on plants and playing fields.

As shown in Fig. 1, the apparatus comprises staggered rolls of film wherein the apparatus places successive rolls in overlapping relation, one to the other, and means are provided to join the overlapped portions along seams 15 (col. 3, lines 28-30). Because of this requirement to provide multiple rolls in overlapping relation, one to the other, it would not be obvious to separately lay down multiple rolls of material from a single roll-laying machine that is capable of lateral movement for adjusting the placement of these rolls since they are carefully placed in precise overlapping relation during the start of the film dispensing operation in order to provide adequate overlap for seaming in order to provide a continuous protective film.

As set forth in the Office Action, it is asserted that it would have been obvious to one skilled in the art to provide the Cardinal, Jr. trucks with means for transversely moving the carriage that supports the roll of film since the Benson et al. '301 patent (Figs. 3 and 4) discloses a dispenser for a rolls of material having a movable base 16 with a chassis or carriage transversely movable by actuator upon the base.

Since the entire purpose of the Cardinal, Jr. patent is to initially align adjacent rolls of sheet material in position such that they precisely overlap by virtue of the overlapping and staggered relationship between adjacent rolls of sheet material, it would not be obvious to use a single, laterally adjustable roll-laying device that has the feature of lateral roll movement during roll dispensing. It would not have been obvious to provide the Cardinal, Jr. patent with the transversely movable chassis or carriage as shown in the Benson et al. '301 patent since such a combination would require only single rolls, capable of lateral adjustment, and multiple passes over the field to overlap adjacent rolls of material for seaming adjacent

films together. Precise overlap would not be possible if a truck operator has the capability of lateral roll adjustment.

Further, the Benson '301 patent is a cloth spreading machine on a factory floor, and the apparatus is not designed to spread a heavy geosynthetic clay liner on a field, wherein the device is carried by a moving base. While the carriage 19 is movable, the spreading table 18 is secured to a factory floor so that the carriage has limited longitudinal movement over a spreading table.

There is no motivation for Cardinal Jr. to look to the patterned cloth art to find a machine capable of providing lateral movement of the film being spread over a plant field - particularly since lateral movement will provide less accurate placement of multiple sheets of film in precise overlapping relation - as required by the Cardinal, Jr. method.

Claims 23-26 stand rejected under 35 U.S.C. §103(a) in view of Cardinal, Jr. in view of Benson and further in view of Barazone. As shown in Fig. 3 of the Cardinal, Jr. '972 patent, for the purpose of temporarily protecting plants and the like, such material must be rolled up, after seaming, as a unitary structure. When collected, the dispensing apparatus for each of the rolls are placed end-to-end (Fig. 3) which is impossible if the apparatus, as claimed by applicants in claims 23-26, include adjustable width alignment arms disposed at each end of each roll of material. Accordingly, it is submitted it also would not have been obvious to one skilled in the art to include the adjustable width alignment arms of the Barazone patent onto the apparatus of Cardinal, Jr. since such a modification of the Cardinal, Jr. patent would make it impossible to re-roll or collect the multiple rolls of sheet material, dispensed in the Cardinal, Jr. apparatus, as a unitary structure.

It is submitted that all claims are now of proper form and scope for allowance. Early and favorable consideration is respectfully requested.

Application No.: 10/774,710

Docket No.: 28570/39829

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 13-2855, under Order No. 28570/39829. A duplicate copy of this paper is enclosed.

Dated: December 9, 2004

Respectfully submitted,

By 

Richard H. Anderson

Registration No.: 26,526

MARSHALL, GERSTEIN & BORUN LLP

233 S. Wacker Drive, Suite 6300

Sears Tower

Chicago, Illinois 60606-6357

(312) 474-6300

Attorney for Applicant